

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING JUDGE  
HOWARD C. BERMAN, JQC NO.  
00211

CASE NO. SC00-2491

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**MOTION FOR PROTECTIVE ORDER**

Roxanne M. Ramos and Terese Parker, by and through their undersigned attorneys, move the Florida Judicial Qualifications Commission for the entry of a protective order establishing guidelines for the taking of their deposition testimony in the above-styled cause of action and in support of this motion would show:

1. Ms. Ramos and Ms. Parker were subpoenaed to appear for deposition by the Respondent on Tuesday, April 24, 2001.
2. The charging document in these proceedings identifies Ms. Ramos and Ms. Parker as victims of the Respondent's alleged misconduct and according to prior statements given by each of them, both were among a group of women subjected by the Respondent to intimidating and abusive sexual harassment.
3. Upon her arrival at the designated location for her deposition, Ms. Ramos was directed to a seat at a conference table in the offices of one of three of the Respondent's attorneys. To the left of Ms. Ramos was Bettye King, Esquire, the attorney for Respondent designated as the principal

examiner on the Respondent's behalf, The Respondent himself was seated immediately to Ms. King's left placing him within less than eight feet of Ms. Ramos. The Respondent's two other lawyers and an investigator for the Respondent were in seats continuing down the same side of the conference table.

4. Immediately upon observing the Respondent's proximity to her and the fact that while looking at her examiner she could not avoid eye contact with the Respondent, MS. Ramos expressed her discomfort and requested that the seating positions be changed. The undersigned counsel related the witness' request to counsel for the Respondent.

5. The attached transcript reflects the subsequent exchange between counsel.

6. The refusal on the part of the Respondent to provide the accommodation requested on behalf of Ms. Ramos and Ms. Parker is unreasonable. The requested accommodation is intended to minimize the perpetuation of the emotional trauma to which the Respondent's victims have already been subjected. The Respondent's insistence on positioning himself so as to be able to "stare down" these witnesses is in itself indicative of an insensitivity to the rights of victims that is inconsistent with the proper fulfillment of judicial responsibilities.

7. When informed of the circumstances leading to the suspension of Ms. Ramos' deposition, Ms. Parker requested that she be protected from any similar occurrence.

WHEREFORE, the witnesses, Roxanne Ramos and Terese Parker, respectfully request the entry of a protective order prohibiting the Respondent from conducting discovery with respect to these witnesses in any manner intended to unnecessarily annoy, harass or embarrass

the witnesses and, in particular, prohibiting the Respondent from positioning himself in the witnesses' direct field of vision while looking at the deposition examiner.

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been forwarded by Fax and U.S. Mail to: **Sidney A. Stubbs, Esquire and Bettye King, Esquire**, JONES, FOSTER, JOHNSTON & STUBBS, P.A., 505 S. Flagler Drive, Suite 1100, West Palm Beach, FL 33401, and **Scott N. Richardson, Esquire**, ATTERBURY, GOLDBERGER & RICHARDSON, 250 Australian Avenue S., Suite 1400, West Palm Beach, FL 33401, this 25th day of April, 2001.

Respectfully submitted,

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